

REMARKS

This Amendment is being filed in response to the Office Action dated April 8, 2009. In view of these amendments and remarks, this application should be application allowed and the case passed to issue. The amendments further clarify the claimed subject matter. No new matter is introduced by this amendment. The amendment to claims 1 and 32 are supported by the specification, as originally filed. Claim 33 is amended to correct an informality.

Claims 1-33 are pending in this application. Claims 14-31 are allowed. Claims 1, 32, and 33 are rejected. Claims 2-13 are objected to. Claims 1, 32, and 33 are amended in this response.

Objections to the Specification

The Examiner noted that Nafion and Dowex are trademarks should be capitalized and accompanied by generic terminology.

In response to this objection, the terms NAFION and DOWEX have been capitalized throughout the specification and the first occurrences of these terms in the specification have been identified as perfluorosulfonic acid polymer.

The specification is objected to because the reference signs 12 and 19 are allegedly not found in the specification. This objection is traversed, and reconsideration and withdrawal thereof respectfully requested.

On page 16, line 7, reference sign 12 is defined as a current sensor.

On page 5, line 10, reference sign 19 is defined as a combustor.

Allowed Claims

Claims 14-31 are allowed.

Applicant gratefully acknowledge the indication of allowed claims.

Claim Rejections Under 35 U.S.C. §§ 102 and 103

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Isenberg (US 4,664,987).

Claims 32 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Isenberg in view of Watanabe (US 5,846,668).

These rejections are traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the invention, as claimed, and the cited prior art.

Isenberg discloses a stack of fuel cell layers each of which comprises a plurality of fuel cells. Isenberg, however, does not anticipate or render obvious the claimed fuel cell system because Isenberg does not disclose or suggest fuel cells comprising a first fuel cell disposed in a center position of the fuel cell stack with respect to a stacking direction of the fuel cells, and a second fuel cell disposed in a position other than the center position **with respect to the stacking direction of the fuel cells**, the second fuel cell being arranged to have a larger moisture absorption capacity than the first fuel cell, as required by claim 1. Further, Isenberg does not disclose or suggest a first cell disposed in a center position of the fuel cell stack in the stacking direction of the fuel cells, and a second cell disposed in a position other than the first cell **with respect to the stacking direction of the fuel cells**, and the gas passage of the second cell has a larger cross-sectional area than the gas passage of the first cell, as required by claim 32. Watanabe does not cure the deficiencies of Isenberg.

Claim Objections

Claims 2-13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claims.

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Applicant gratefully acknowledges the indication of allowable subject matter. Applicant submits that claims 2-13 are allowable for at least the same reasons as claim 1.

In view of the above amendments and remarks, Applicant submits that this application should be allowed, and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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